

Substitute Form PTO-1449  
 (Modified)

 U.S. Department of Commerce  
 Patent and Trademark Office

 Attorney's Docket No.  
 14170-037002

 Application No.  
 09/884,859

**Information Disclosure Statement  
 by Applicant**

(Use several sheets if necessary)

 Applicant  
 Hugh R. Sharkey et al.

 Filing Date  
 June 18, 2001

 Group Art Unit  
 3739

**U.S. Patent Documents**

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
R D	AA	2001/0023348	09/20/2001	Ashley et al.			
	AB	2001/0031963	10/18/2001	Sharkey et al.			
	AC	2002/0188284	12/12/2002	To et al.			
	AD	2002/0188291	12/12/2002	Uchida et al.			
	AE	2002/0188292	12/12/2002	Sharkey et al.			
	AF	6,638,276	10/28/2003	Sharkey et al.			
	AG						
	AH						
	AI						
	AJ						
	AK						

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**Foreign Patent Documents or Published Foreign Patent Applications**

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

**Other Documents (include Author, Title, Date, and Place of Publication)**

Examiner Initial	Desig. ID	Document
	AQ	
	AR	
	AS	
	AT	

Examiner Signature

*Roy D. Gibson*

Date Considered

*March 4, 2004*

EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Sheet 1 of 8

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-037002	Application No. 09/884,859
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)		Applicant Hugh R. Sharkey et al.	
		Filing Date June 18, 2001	Group Art Unit 3739
(37 CFR §1.98(b))			

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
✓	AA	5,487,757	1/30/96	Truckai et al.			
✓	AB	5,500,012	3/19/96	Brucker et al.			
✓	AC	5,599,346	2/4/97	Edwards et al.			
✓	AD	5,267,994	12/7/93	Gentelia et al.			
✓	AE	5,423,806	6/13/95	Dale et al.			
✓	AF	4,601,705	7/22/86	McCoy et al.			
✓	AG	5,242,439	9/7/93	Larsen et al.			
✓	AH	5,437,661	8/1/95	Rieser			
✓	AI	5,201,731	4/13/93	Hakky			
✓	AJ	5,498,258	3/12/96	Hakky et al.			
✓	AK	5,527,331	6/18/96	Kresch et al.			
✓	AL	5,718,702	2/17/98	Edwards			
✓	AM	5,782,795	7/21/98	Bays			
✓	AN	5,810,809	9/22/98	Rydell			
✓	AO	5,415,633	5/16/95	Lazarus et al.			
✓	AP	4,838,859	6/13/89	Strassmann			
✓	AQ	4,590,934	5/27/86	Malis et al.			
✓	AR	5,397,304	3/14/95	Truckai			
✓	AS	5,433,739	7/18/95	Shuijter et al.			
✓	AT	5,201,729	4/13/93	Hertzmann et al.			
✓	AU	3,178,728	4/20/65	Christensen			
✓	AV	3,579,643	5/25/71	Morgan			
✓	AW	3,776,230	12/4/73	Neeffe			
✓	AX	3,867,728	2/25/75	Substad et al.			
✓	AY	3,879,767	4/29/75	Substad			
✓	AZ	3,886,600	6/3/75	Kahn et al.			

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<i>RDW</i>	BA	3,938,198	2/17/76	Kahn et al.			
✓	BB	3,987,499	10/26/76	Scharbach et al.			
✓	BC	3,992,725	11/23/76	Hornsy			
✓	BD	4,043,342	8/23/77	Morrison, Jr.			
✓	BE	4,085,466	4/25/78	Goodfellow et al.			
✓	BF	4,129,470	12/12/78	Hornsy			
✓	BG	4,224,696	9/30/80	Murray et al.			
✓	BH	4,224,697	9/30/80	Murray et al.			
✓	BI	4,326,529	4/27/82	Doss et al.			
✓	BJ	4,344,193	8/17/82	Kenny			
✓	BK	4,362,160	12/7/82	Hiltebrandt			
✓	BL	4,375,220	3/1/83	Matvias			
✓	BM	4,381,007	4/26/83	Doss			
✓	BN	4,397,314	8/9/83	Vaguine			
✓	BO	4,483,338	11/20/84	Bloom et al.			
✓	BP	4,517,965	5/21/85	Ellison			
✓	BQ	4,517,975	5/21/85	Garito et al.			
✓	BR	4,593,691	6/10/86	Lindstrom et al.			
✓	BS	4,597,379	7/1/86	Kihn et al.			
✓	BT	4,811,733	3/14/89	Borsanyi et al.			
✓	BU	4,873,976	10/17/89	Schreiber			
✓	BV	4,894,063	1/16/90	Nashef			
✓	BW	4,895,148	1/23/90	Bays et al.			
✓	BX	4,907,585	3/13/90	Schachar			
✓	BY	4,907,589	3/13/90	Cosman			
✓	BZ	4,924,865	5/15/90	Bays et al.			

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<input checked="" type="checkbox"/>	CA	4,944,727	7/31/90	McCoy			
<input checked="" type="checkbox"/>	CB	4,950,234	8/21/90	Fujioka			
<input checked="" type="checkbox"/>	CC	4,966,597	10/30/90	Cosman			
<input checked="" type="checkbox"/>	CD	4,976,709	12/11/90	Sand			
<input checked="" type="checkbox"/>	CE	4,976,715	12/11/90	Bays et al.			
<input checked="" type="checkbox"/>	CF	4,998,933	3/12/91	Eggers et al.			
<input checked="" type="checkbox"/>	CG	5,007,908	4/16/91	Rydell			
<input checked="" type="checkbox"/>	CH	5,009,656	4/23/91	Reimels			
<input checked="" type="checkbox"/>	CI	5,100,402	3/31/92	Fan			
<input checked="" type="checkbox"/>	CJ	5,103,804	4/14/92	Abele et al.			
<input checked="" type="checkbox"/>	CK	5,178,620	1/12/93	Eggers et al.			
<input checked="" type="checkbox"/>	CL	5,191,883	3/9/93	Lennox et al.			
<input checked="" type="checkbox"/>	CM	5,201,730	4/13/93	Basley et al.			
<input checked="" type="checkbox"/>	CN	5,213,097	5/25/93	Zeindler			
<input checked="" type="checkbox"/>	CO	5,230,334	7/27/93	Klopotek			
<input checked="" type="checkbox"/>	CP	5,242,441	9/7/93	Avitall			
<input checked="" type="checkbox"/>	CQ	5,261,906	11/16/93	Pennino et al.			
<input checked="" type="checkbox"/>	CR	5,275,151	1/4/94	Shockey et al.			
<input checked="" type="checkbox"/>	CS	5,284,479	2/8/94	de Jong			
<input checked="" type="checkbox"/>	CT	5,304,169	4/19/94	Sand			
<input checked="" type="checkbox"/>	CU	5,311,858	5/17/94	Adair			
<input checked="" type="checkbox"/>	CV	5,320,115	6/14/94	Kenna			
<input checked="" type="checkbox"/>	CW	5,323,778	6/28/94	Kandarpa et al.			
<input checked="" type="checkbox"/>	CX	5,334,193	8/2/94	Nardella			
<input checked="" type="checkbox"/>	CY	5,348,554	9/20/94	Imran et al.			
<input checked="" type="checkbox"/>	CZ	5,366,443	11/22/94	Eggers et al.			

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(37 CFR §1.98(b))			

✓	DA	5,458,569	10/17/95	Lax et al.			
✓	DB	5,465,737	11/14/95	Schachar			
✓	DC	5,484,403	1/16/96	Yoakum et al.			
✓	DD	5,484,432	1/16/96	Sand			
✓	DE	5,484,435	1/16/96	Flecnor et al.			
✓	DF	5,507,812	4/16/96	Moore			
✓	DG	5,514,130	5/7/96	Baker			
✓	DH	5,542,920	8/6/96	Cherif Cheikh			
✓	DI	5,569,242	10/29/96	Lax et al.			
✓	DJ	2,090,923	8/24/37	Wappler			
✓	DK	3,856,015	12/24/74	Iglesias			
✓	DL	3,945,375	3/23/76	Banko			
✓	DM	4,134,406	1/16/79	Iglesias			
✓	DN	4,476,862	10/16/84	Pao			
✓	DO	4,651,734	3/24/87	Doss et al.			
✓	DP	4,815,462	3/28/89	Clark			
✓	DQ	4,955,882	9/11/90	Hakky			
✓	DR	5,085,657	2/4/92	Ben-Simhon			
✓	DS	5,098,430	3/24/92	Flecnor			
✓	DT	5,186,181	2/16/93	Franconi et al.			
✓	DU	5,192,267	3/9/93	Shapira et al.			
✓	DV	5,308,311	5/3/94	Eggers et al.			
✓	DW	5,342,357	8/30/94	Nardella			
✓	DX	5,352,868	10/4/94	Denen et al.			
✓	DY	5,354,331	10/11/94	Schachar			
✓	DZ	5,364,395	11/15/94	West, Jr.			

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<i>RJG</i>	EA	5,366,490	11/22/94	Edwards et al.			
✓	EB	5,382,247	1/17/95	Cimino et al.			
✓	EC	5,401,272	3/28/95	Perkins			
✓	ED	5,437,662	8/1/95	Nardella			
✓	EE	5,451,223	9/19/95	Ben-Simhon			
✓	EF	5,524,338	6/11/96	Martyniuk et al.			
✓	EG	5,630,839	5/20/97	Corbett, III, et al.			
✓	EH	5,681,282	10/28/97	Eggers et al.			
✓	EI	5,683,366	11/4/97	Eggers et al.			
✓	EJ	5,688,270	11/18/97	Yates et al.			
✓	EK	5,697,909	12/16/97	Eggers et al.			
✓	EL	4,074,718	2/21/78	Morrison, Jr.			
✓	EM	5,085,659	2/4/92	Rydell			
✓	EN	5,464,023	11/7/95	Viera			

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Sub classes	Translation	
							Yes	No
<i>RJG</i>	EO	0 682 910	11/22/95	EPO				
✓	EP	0 274 705	7/20/88	EPO				
✓	EQ	0 729 730	4/9/96	EPO				
✓	ER	0 521 595	1/7/93	EPO				
✓	ES	0 737 487	10/16/96	EPO				
✓	ET	0 257 116	3/2/88	EPO				
✓	EU	0 479 482 A1	4/8/92	EPO				
✓	EV	0 479 482 B1	5/1/96	EPO				
✓	EW	0 542 412	5/19/93	EPO				
✓	EX	0 572 131	12/1/93	EPO				
✓	EY	0 558 297	9/1/93	EPO				
✓	EZ	0 566 450	10/20/93	EPO			Abstract Yes	

Examiner Signature

*Ray D. Gibson*

Date Considered

*Mar. 5, 2004*

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<i>RW</i>	FA	0 783 903	7/16/97	EPO			Abstract Yes	
	✓ FB	35 11 107	10/2/86	Germany				
	✓ FC	2,164,473	3/19/86	UK				
	✓ FD	637118	12/15/78	USSR			Abstract Yes	
	✓ FE	1,340,451	12/12/73	UK				
	✓ FF	WO 96/34568	7/11/96	WIPO				
	✓ FG	WO 85/02762	7/4/85	WIPO			Abstract Yes	
	✓ FH	WO 93/01774	2/4/93	WIPO			Abstract Yes	
	✓ FI	WO 95/20360	8/3/95	WIPO				
	✓ FJ	WO 95/30373	11/16/95	WIPO				
	✓ FK	WO 92/10142	6/25/92	WIPO				
	✓ FL	WO 93/20984	10/28/93	WIPO				
	✓ FM	WO 95/01814	1/19/95	WIPO				
	✓ FN	WO 95/13113	5/18/95	WIPO				
	✓ FO	WO 95/18575	7/13/95	WIPO				
	✓ FP	WO 96/39914	12/19/96	WIPO				
	✓ FQ	WO 97/06855	2/27/97	WIPO				
	✓ FR	WO 98/07468	2/26/98	WIPO				
	✓ FS	WO 93/16648	9/2/93	WIPO				
	✓ FT	WO 95/25471	9/28/95	WIPO				
	✓ FU	WO 95/30377	11/16/95	WIPO				
	✓ FV	WO 95/34259	12/21/95	WIPO				
	✓ FW	WO 96/11638	4/25/96	WIPO				
	✓ FX	WO 96/32051	10/17/96	WIPO				
	✓ FY	WO 96/35471	11/7/96	WIPO				
<i>Y</i>	✓ FZ	36 32 197	3/31/88	Germany			Abstract Yes	

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RDY ✓	GA	5-42166	2/23/93	Japan			Abstract Yes	
ROZ ✓	GB	2,645,008	3/28/89	France			Abstract Yes	

Other Documents (Include Author, Title, Date, and Place of Publication)								
Examiner Initial	Desig. ID	Document						
RDY ✓	GC	Christian, C.A., and Indelicato, P.A., "Allograft Anterior Cruciate Ligament Reconstruction with Patellar Tendon: An Endoscopic Technique," <u>Operative Techniques in Sports Medicine</u> , Vol. 1, No. 1, January, 1993, pp. 50-57						
	GD	Houpt, J.C., et al., "Experimental Study of Temperature Distributions and Thermal Transport During Radiofrequency Current Therapy of the Intervertebral Disc," <u>SPINE</u> , Vol. 21, No. 15, pp. 1808-1813						
	GE	Beadling, L., "Bi-Polar Electrosurgical Devices: Sculpting the Future of Arthroscopy," <u>Orthopedics Today</u> , Vol. 7, No. 1, 4 pages						
	GF	Troussier B., et al., "Percutaneous Intradiscal Radio-Frequency Thermocoagulation: A Cadaveric Study," <u>SPINE</u> , Vol. 20, No. 15, August 1, 1995, pp. 1713-1718						
	GG	Attachment I: Competitive Literature on Generators with Bipolar Capabilities, brochures from Valleylab, Concept, and Zimmer						
	GH	Attachment II: Competitive Literature on Generators with Bipolar Forceps and Footswitch Controls, brochures from Weck Electrosurgery, Bard Electro Medical Systems and Valleylab						
	GI	"What's New in Office Electrosurgery? Radiosurgery!," Ellman International Manufacturing, Inc., product brochure, 9 pages, 1989						
	GJ	Cosset, J.M., "Resistive Radiofrequency (Low Frequency) Interstitial heating (RF Technique)," <u>Interstitial Hypothermia</u> , December 6, 1993, pp. 3-5 and 37-41						
	GK	"The Less-Invasive Laser Advantage," Product Brochure, Trimedyne						
	GL	"Two Physicians Perform First Outpatient Cervical Disc Procedure Using Laser Technology," Laser Centers of America Press Release dated 12/12/94, 3 pages						
	GM	Introduction to the LDD Disc Kit, October 16, 1996						
	GN	Mayer, H.M., et al., "Lasers in Percutaneous Disc Surgery," <u>Acta Orthopaedica Scandinavica Supplementum</u> 251, Vol 64, 1993, pp. 38-44						
	GO	Savitz, M.H., "Same-Day Microsurgical Arthroscopic Lateral-Approach Laser-Assisted (SMALL) Fluoroscopic Discectomy," <u>Neurosurgery</u> , Vol. 80, June 1994, pp. 1039-1045						
	GP	Schatz, S.W., and Talalla, A., "Preliminary Experience with Percutaneous Laser Disc Decompression in the Treatment of Sciatica," <u>CIS-JCC</u> , Vol. 38, No. 5, October 1995, pp. 432-436						
	GQ	Bosacco, S.J., et al., "Functional Results of Percutaneous Laser Discectomy," <u>The American Journal of Orthopedics</u> , December 1996, pp. 825-828						
	GR	Cosman, E.R., et al., "Theoretical Aspects of Radiofrequency Lesions in the Dorsal Root Entry Zone," <u>Neurosurgery</u> , Vol. 15, No. 6, 1984, pp. 945-950						
	GS	Sluiter, M.E., "The Use of Radiofrequency Lesions for Pain Relief in Failed Back Patients," <u>Int Disabil Studies</u> , Vol. 10, September 4, 1996, pp. 37-43						
	GT	Wilkins, et al., "Method of Making Nervous System Lesions," <u>Neurosurgery</u> , Cl. 337, pp. 2490-2499						
	GU	Yonezawa T., et al., "The System and Procedures of Percutaneous Intradiscal Laser Nucleotomy," <u>SPINE (Japanese Edition)</u> , Vol. 15, No. 11, 1990, pp. 1175-1185						

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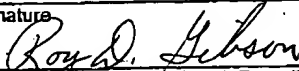
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	Applicant Hugh R. Sharkey et al.			
	Filing Date June 18, 2001		Group Art Unit 3739	

ROB ✓	HA	Kolafik, J., et al., "Photomucleolysis of Intervertebral Disc and Its Herniation," <u>Zentralblatt für Neurochirurgie</u> , Vol. 51, No. 2, 1990, pp. 69-71
✓	HB	Gottlob, C., et al., "Holmium: YAG Laser Ablation of Human Intervertebral Disc: Preliminary Evaluation," <u>Lasers in Surgery and Medicine</u> , Vol. 12, 1992, pp. 86-91
✓	HC	Buchelt, M., et al., "Fluorescence Guided Excimer Laser Ablation of Intervertebral Discs In Vitro," <u>Lasers in Surgery and Medicine</u> , Vol. 11, 1991, pp. 280-286
✓	HD	Choy, D.S.J., et al., "Percutaneous Laser Disc Decompression: A New Therapeutic Modality," <u>SPINE</u> , Vol. 17, No. 8, 1992, pp. 949-956
✓	HE	Sluijter, M.E., "The Use of Radiofrequency Lesions for Pain Relief in Failed Back Patients," <u>Int Disabil Studies</u> , Vol. 10, September 4, 1996, pp. 37-43
✓	HF	Sluijter, M.E., and Mehta, M., "Treatment of Chronic Back and Neck Pain by Percutaneous Thermal Lesions," <u>Persistent Pain: Modern Methods of Treatment</u> , Vol. 3, Chapter 8, pp. 141-178, S. Lipton and J. Miles, eds., 1981
✓	HG	Gerber, B.E., et al., "Offene Laserchirurgie am Bewegungsapparat," <u>Orthopäde</u> (1996) 25, pp. 56-63 (English-language summary provided)
✓	HH	Sluyter, M.E., "Radiofrequency Lesions in the Treatment of Cervical Pain Syndromes," <u>Radionics</u> , pp. 1-24, 1980
✓	HI	Kelly, L.E., "Purification and Properties of a 23 kDa Ca <sup>2+</sup> -binding Protein from <i>Drosophila Melanogaster</i> ," <u>Biochem J.</u> , Vol. 271, 1990, pp. 661-666
✓	HJ	Gehring, W.J., "Exploring the Homeobox," <u>Gene</u> , Vol. 135, 1993, pp. 215-221
✓	HK	Buchelt, M., et al., "Erb: YAG and Hol: YAG Laser Ablation of Meniscus and Intervertebral Discs," <u>Lasers in Surgery and Medicine</u> , Vol. 12, No. 4, 1992, pp. 375-381
✓	HL	Leu, H. and Schreiber, A., "Endoskopie der Wirbelsäule: Minimal-Invasive Therapie," <u>Orthopäde</u> , Vol. 21, No. 4, August 1992, pp. 267-272 (English-language summary provided)
✓	HM	Phillips, J.J., et al., "MR Imaging of Ho: YAG Laser Discectomy with Histologic Correlation," <u>Journal of Magnetic Resonance Imaging</u> , Vol. 3, No. 3, May/June 1993, pp. 515-520
✓	HN	Bromm, B., and Treede, R.-D., "Nerve Fibre Discharges, Cerebral Potentials and Sensations Induced by CO <sub>2</sub> Laser Stimulation," <u>Human Neurobiology</u> , Vol. 3, No. 1, 1984, pp. 33-40
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Examiner Signature 	Date Considered Mar. 5, 2004
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Substitute Disclosure Form (PTO-1449)